

**From:** ljohn@sosnc.gov  
**To:** Clark.Riemer@nclcg.net  
**Subject:** Re: § 66-353. Annual service report question  
**Date:** 28-Nov-2018 11:12  
**Attachments:** TEXT.htm [Save] [Open]  
**Creation Date:** 26-Nov-2018 15:31  
**Store Date:** 28-Nov-2018 17:35  
**Status:** accepted,opened,read  
**Box Type:** draft  
**Folder:** Leo John Home > Work In Progress  
**Message Id:** 5BFE7821.domain.PO.200.2000074.1.50E5E.1

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Hi Clark,

Thanks for the opportunity to provide the agency's view on possibly removing the filing of annual service reports (ASR) requirement contained in N.C.G.S. 66-353. In brief, we are not in support of only removing the ASR filing responsibility if the franchising requirement is maintained with the agency.

The ASRs add a level of transparency to the benefit of numerous stakeholders. Our ASR web pages were visited more than 1600 times last year indicating a level of interest on the part of the public.

We received 44 ASRs in the last fiscal year. In addition to information about when a franchise became effective and customer service performance by the company, the report includes detailed maps of service areas. This is crucial information for customers, regulators and policy makers, especially at a time when reports such as the recent one by the NC League of Municipalities have highlighted broadband deserts in the state.

In fact, we are aware that the following groups or entities may rely on and use the cable TV annual service reports to exercise their rights under the Act:

The Consumer Protection Section of the NC Department of Justice enforces the anti-discrimination provisions of the Act. People and groups may use the information to determine whether discrimination in the provision of service is occurring based on the race or the income level of residents.

County and municipal governments may use the information when seeking PEG channel capacity for schools and government buildings Local government officials with responsibility for administering access to public right-of-way may use the information.

People and businesses concerned about cable TV service being provided without the provider filing a notice of franchise or notice of service may use the information. Provision of service without those filings may mean there is an opportunity for forfeiture by the provider of the revenue received from subscribers.

People and businesses concerned about cable TV provider compliance with FCC standards and with emergency alert standards may use the information.

Leo John

Advisor, Policy and Govt. Relations

N.C. Department of the Secretary of State

Ph: 919-814-5314

[www.sosnc.gov](http://www.sosnc.gov)

>>> "Clark Riemer (Rep. Jason Saine)" <Clark.Riemer@ncleg.net> 11/26/2018 1:38 PM >>>

We would strike through all of the text of 66-353 quoted below. That would be the only change being made to the statute.

I hope that clarifies.

CR

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Leo John <john@sosnc.gov>

Date: 11/26/18 11:57 AM (GMT-05:00)

To: "Clark Riemer (Rep. Jason Saine)" <Clark.Riemer@ncleg.net>

Subject: Re: § 66-353. Annual service report question

Clark,

Do you have any additional information on whether only annual report removal is being considered or entire registration requirement? Are there any additional changes being considered around this registration? Just trying to respond to internal questions.

Thanks

Leo

Leo John

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>>> "Clark Riemer (Rep. Jason Saine)" 11/21/18 12:15 PM >>>Leo,

Rep. Saine wanted to ask if the Secretary of State would have any issues with removing the following report from the statutes. Given the strong competition in the cable/tv over fiber/cord cutting sector, the need for a report on video services competition seems to have been overtaken by events.

#### § 66-353. Annual service report.

A holder of a State-issued franchise must file an annual service report with the Secretary. The report must be filed on or before July 31 of each year. The report must be accompanied by a fee in the amount set in G.S. 57D-1-22 for filing an annual report. The report must include all of the following:

- (1) The effective date of a notice of franchise for that area.
- (2) A description and map of the service area.
- (3) The approximate number of households in the service area.
- (4) A description and a map of the households passed in the service area as of July 1.
- (5) The percentage of households passed in the service area as of July 1.
- (6) The percentage of households passed in the service area as of July 1 of any preceding year for which a report was required under this section.
- (7) A report indicating the extent to which the holder has met the customer service requirements under G.S. 66-356(b).
- (8) A schedule indicating when service is expected to be offered in the service area, to the extent the schedule differs from one included in the notice of franchise or in a report previously submitted under this section, and an explanation of the reason for the new schedule. (2006-151, s. 1; 2013-157, s. 19.)

Sincerely,

Clark Riemer

Research Assistant

Office of Rep. Jason Saine

16 W. Jones St. #1326

Raleigh, NC 27601

(919) 733-5782

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